

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MARIBEL VELASQUEZ	§	CIVIL ACTION NO.
	§	
v.	§	B – 18 – 354
	§	
THE CITY OF EDINBURG, RICHARD	§	
MOLINA, DAVID FLORES, JORGE	§	
SALINAS AND GILBERT ENRIQUEZ	§	

**DEFENDANT CITY OF EDINBURG, TEXAS' ANSWERS AND
RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION**

TO: CITY OF EDINBURG, Defendant,
By serving their attorney of record:

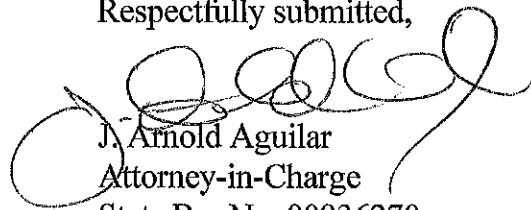
David L. Flores
FLORES & TORRES, LLC
118 East Cano Street
Edinburg, TX 78539

COMES NOW the **CITY OF EDINBURG, TEXAS**, Defendant herein, and
pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, serves these its
Answers to Plaintiffs' First Set of Interrogatories and Requests for Production.

EXHIBIT 2

Signed on this the 17th day of June, 2019.

Respectfully submitted,



J. Arnold Aguilar

Attorney-in-Charge

State Bar No. 00936270

Federal Adm. No. 6822

email: arnold@aguilarzabartellc.com

AGUILAR * ZABARTE, LLC

Of Counsel

990 Marine Drive

Brownsville, Texas 78520

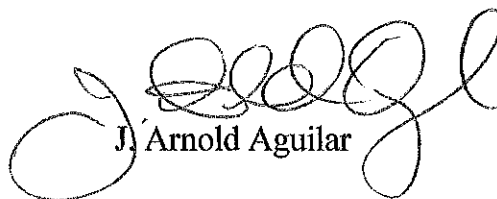
Telephone : (956) 504-1100

Facsimile : (956) 504-1408

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing **DEFENDANT CITY OF EDINBURG, TEXAS' ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION** will on this the 17th day of June, 2019, be forwarded via certified mail, return receipt requested to:

David L. Flores
FLORES & TORRES, LLC
118 East Cano Street
Edinburg, TX 78539



J. Arnold Aguilar

**DEFENDANT'S ANSWERS TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1: Please state the full name, residence address, business address, business telephone number, date of birth, social security number, and driver's license number of each person answering these interrogatories and identify anyone who has assisted in preparing the same.

ANSWER: These answers were prepared by counsel and the phraseology of the answers is that of counsel. Since the interrogatories are directed to a governmental entity, these answers to interrogatories do not constitute, nor are they derived from, the personal knowledge of any single individual, but include record information, knowledge obtained that cannot be attributed to any single individual, recollection of employees and general knowledge of the answering employee and others. These answers were prepared with the assistance of counsel's advice and recommendations. Director of Human Resources Belinda Torres assisted in the preparation of these interrogatory responses.

INTERROGATORY NO. 2: Identify, by providing the name, address and telephone number, any and all individuals submitting applications, resumes and/or any other form of request for employment, for the position vacated by the Plaintiff.

ANSWER: None.

INTERROGATORY NO. 3: Identify, by providing the name, address and telephone number, any and all individuals submitting applications, resumes and/or any other form of request for employment to the City of Edinburg, Texas from November 01, 2017 to the present.

ANSWER: Defendant objects to this discovery request on the basis that it is a fishing expedition for information that would be burdensome and harassing in that it seeks a large amount of information or documents that are irrelevant or immaterial and are not otherwise calculated to lead to the discovery of relevant or material information or documents, and as such the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation and the importance of the proposed discovery in resolving the issues, or alternatively the

discovery requested is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome or less expensive, and would therefore impose upon Defendant an unnecessary expense and would constitute harassment, in violation of Federal Rules of Civil Procedure 26 and 33. Defendant receives approximately 6000 – 8000 applications, resumes or requests for employment per year and to provide the requested information for each applicant would require an extensive number of hours and would be extremely burdensome, while the information requested would provide little to no information relevant to Plaintiff's claims.

INTERROGATORY NO. 4: Identify by name, address and telephone number all persons who have any direct knowledge of the reason(s) supporting the decision to terminate the Plaintiff's employment with the City of Edinburg.

ANSWER: Mayor Richard Molina, Mayor Pro-Tem David Torres, Councilmembers Jorge Salinas, Gilbert Enriquez and Homer Jasso, Jr., and City Secretary Ludivina Leal.

INTERROGATORY NO. 5: Identify by name, address, telephone number, and date of departure, all persons who resigned and/or were terminated from their employment with the City of Edinburg, Texas from November 01, 2017 to the present.

ANSWER: Defendant objects to this discovery request on the basis that it is a fishing expedition for information that would be burdensome and harassing in that it seeks a large amount of information or documents that are irrelevant or immaterial and are not otherwise calculated to lead to the discovery of relevant or material information or documents, and as such the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation and the importance of the proposed discovery in resolving the issues, or alternatively the discovery requested is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome or less expensive, and would therefore impose upon Defendant an unnecessary expense and would constitute harassment, in violation of Federal Rules of Civil Procedure 26 and 33. From November 1, 2017 to the present the City has had approximately 394 resignations or terminations and to provide the requested information for each applicant would require an extensive number of hours and would be extremely burdensome, while the information requested would provide little to no information relevant to Plaintiff's claims.

INTERROGATORY NO. 6: If, in response to any request for production served by Plaintiff at any time, you have withheld any document from production on the ground of privilege, please identify each withheld document by stating the type of document (i.e., letter, memorandum, etc.), the date of the document, the author of the document, the addressee and all recipients of the documents, and the type of privilege being asserted with respect to the document.

ANSWER: Defendant objects to this discovery request as overly broad and vague on the basis that it fails to describe or identify the information or documents requested with reasonable particularity or specificity, and inquires into matters that go beyond what is relevant to the parties' claims or defenses. *See* FED. R. CIV. P. 26 (b)(1)-(2).

Without waiving this objection, see Defendants' Responses to Plaintiffs' Requests for Production.

INTERROGATORY NO. 7: Please state whether the plaintiff has ever been reprimanded, written up, or otherwise involved in any disciplinary action. If so, please describe the nature of the reprimand, write up or disciplinary action, and the dates and circumstances surrounding the same.

ANSWER: See Plaintiff Maribel Velasquez' Personnel File, a copy of which is attached.

INTERROGATORY NO. 8: Please identify the Plaintiff's immediate supervisor and all other managers/employees who were directly or indirectly involved or responsible for plaintiff's supervision.

ANSWER: Municipal Court Judge Toribio "Terry" Palacios

INTERROGATORY NO. 9: Please state the reason(s) for the Plaintiff, Maribel Velasquez', termination of employment from the City of Edinburg, Texas. Please include in your response the date the decision to terminate was reached, and by whom.

ANSWER: See City Council Minutes of March 20, 2018, a copy of which is attached.